

**In The United States District Court  
For The  
District of Delaware**

Gerald A. Lechliter, *pro se* )

Plaintiff, )

vs. )

The Department of the Army and the )

Acting Secretary of the Department of )

the Army, the Honorable Les )

Brownlee,\* )

Defendants. )

Civil Case No. 04-814-KAJ

March 1, 2005

**Plaintiff's Unopposed Motion For Leave To Withdraw His  
Motion To File Third Amended Complaint**

NOW COMES plaintiff and moves to withdraw his Motion for Leave to File Third Amended Complaint. Docket Item No. ("D.I.") 19. Upon consideration of the arguments raised in Defendants' Brief in Opposition to Plaintiff's Motion for Leave to File Third Amended Complaint (D.I. 21) and additional research, plaintiff respectfully requests the Court to allow plaintiff to withdraw the motion. Plaintiff believes resolution of his claim under the Privacy Act is essential to any claim under the Administrative Procedure Act ("APA"). Any claim under the APA is, therefore, premature. Plaintiff left a voice mail concerning this motion with defendants' counsel on February 28, 2005, and on the same day he informed plaintiff by E-mail that defendants do not oppose this motion. No additional brief in support of this motion

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\* Pursuant to Federal Rule of Civil Procedure 25 (d) (1), the Honorable Francis J. Harve, the present Secretary of the Army, has been substituted for the Honorable Les Brownlee.

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has been provided. Plaintiff sincerely regrets any inconvenience the original motion may have caused defendants and this Court.

WHEREFORE plaintiff requests that the Court grant this motion to withdraw his motion for leave to amend his complaint for a third time.

This is the 1<sup>st</sup> day of March 2005.

Respectfully submitted,

A handwritten signature in cursive script, reading "Gerald A. Lechliter", is written over a horizontal line.

Gerald A. Lechliter, *pro se*  
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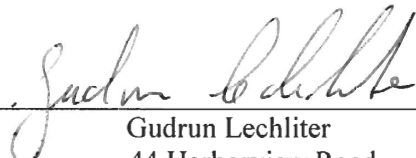
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**Affidavit of Service**

I certify that I, GUDRUN LECHLITER, am over 18 years and I am not a party to the within action. I hereby attest under penalty of perjury that on February 28, 2005, I served *Plaintiff's Unopposed Motion for Leave to Withdraw His Motion to File Third Amended Complaint* by depositing two copies in the U.S. Postal Service Priority Mail, postage prepaid, to Leonard P. Stark, Assistant United States Attorney, Nemours Building, 1007 N. Orange Street, Suite 700, P.O. Box 2046, Wilmington, Delaware 19899-2046.

Executed on March 1, 2005  
Date

  
Gudrun Lechlitter  
44 Harborview Road  
Lewes, DE 19958  
Tel.: (302) 644-7872

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